

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARION S. LEBON and
LISA COWAND

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:08CV509-LTS-RHW

STATE FARM FIRE & CASUALTY COMPANY

DEFENDANT

ORDER

Before the Court are several discovery-related motions that were filed on the eve of the discovery deadline of January 11, 2010. On December 10, 2009, Plaintiffs filed [85, 87] Motions to Compel more complete responses to interrogatories and requests for production of documents. On December 16, 2009, Plaintiffs filed another [91] Motion to Compel based on allegedly deficient responses to a single interrogatory. On December 24, 2009, yet another [94] Motion to Compel was filed by Plaintiff, again based on allegedly deficient responses to various interrogatories and requests for production of documents. Defendant's discovery responses that are the subject of Plaintiffs' motions to compel were served in March of 2009, or approximately nine months prior to the filing of the motions to compel. Defendant responded by filing [93, 96] Motions to Strike the Plaintiffs' Motions to Compel as untimely.

Local Rule 7(b)(2)(B), which went into effect December 1, 2009, states that "[a] party must file a discovery motion sufficiently in advance of the discovery deadline to allow response to the motion, ruling by the court and time to effectuate the court's order before the discovery deadline." The rule's predecessor, Local Rule 7.2(B)(2) stated that "[d]iscovery motions must be filed sufficiently in advance of the discovery deadline so as to not affect the deadline."

Plaintiffs' four [85, 87, 91, 94] Motions to Compel that relate to written discovery cover

69 pages and address 12 interrogatories and 16 requests for production of documents.

Defendant's responses to these four motions would have been due on December 24, 2009; December 30, 2009; and January 7, 2010. Plaintiffs' replies would have been due on December 31, 2009; January 6, 2010; and January 14, 2010. Defendant in fact has not yet filed responses, having requested as alternative relief to the motions to strike, additional time in which to respond due to the length and complexity of the motions, as well as the intervening holiday season. Given the complexity, breadth, and detail of the motions, as well as the late filing of these motions, the Court finds that Plaintiffs failed to file their motions in a timely manner pursuant to Local Rule 7(b)(2)(B) or Local Rule 7.2(B)(2). Responses to these motions were not due until the eve of the discovery deadline, as few as four days prior to the discovery deadline in one case. Plaintiffs' reply to the latest of the motions to compel would not have been due until after the discovery deadline. The Court further notes that the motions and responses were filed and due in and around the Christmas and New Year's holidays, during which time the Court was closed, further hampering the Court's ability to give timely consideration to the motions. Based on the foregoing, the Court finds that the motions to strike these motions to compel should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's [93, 96] Motions to Strike Plaintiffs' [85, 87, 91, 94] Motions to Compel are GRANTED. Plaintiffs' [85, 87, 91, 94] Motions to Compel are hereby terminated.

SO ORDERED, this the 12th day of January, 2010.

st Robert H. Walker
UNITED STATES MAGISTRATE JUDGE